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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

PATRICK EDWARD DEVILLE,

Defendant and Appellant.

B174168

(Los Angeles County
Super. Ct. No. PA044649)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Shari Silver, Judge. Dismissed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Patrick Edward Deville appeals the judgment entered following his plea of guilty to one count of attempted first degree burglary. (Pen. Code, §§ 664/459.) Pursuant to a plea bargain, Deville also admitted one prior conviction within the meaning of the Three Strikes law and one prior conviction within the meaning of Penal Code section 667, subdivision (a)(1), and the trial court sentenced Deville to a term of nine years in state prison.

We appointed counsel to represent Deville on this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised and which requested this court to conduct an independent review of the record. By notice filed August 27, 2004, the clerk of this court advised Deville to submit any contention, ground of appeal or argument he wished this court to consider within 30 days. No response has been received to date.

We have examined the entire record and are satisfied Deville's counsel has complied fully with counsel's responsibilities. (*People v. Wende* (1979) 25 Cal.3d 436, 443.) Because Deville appeals from a judgment based on his plea of guilty and he failed to obtain a certificate of probable cause, the appropriate result in this case is not to affirm the judgment but to dismiss the appeal. (*People v. Mendez* (1999) 19 Cal.4th 1084, 1096-1097; Pen. Code, § 1237.5.)

DISPOSITION

The appeal is dismissed.

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KLEIN, P.J.

We concur:

CROSKEY, J.

ALDRICH, J.